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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Merck & Co., Inc.Application No./Patent No.: 09/978,464 Filed/Issue Date: 10/16/2001Entitled: Enhanced System For Construction Of Adenovirus Vectors

Merck & Co., Inc., a corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: All inventors, Graham, Parks & Ng To: Merck & Co., Inc.  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
 [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 28, 2004

Date

(407) 926-7727

Telephone number

Joseph Frécher

Typed or printed name

Signature

Attorney for Applicant

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. ADVEC-101A

**ASSIGNMENT OF PATENT APPLICATION****FOR GOOD AND VALUABLE CONSIDERATION,**

We, the undersigned (each) have agreed and hereby agree to assign for good and valuable consideration, receipt of which is hereby expressly acknowledged, and do hereby sell, assign and transfer unto

Merck & Co., Inc.

a corporation organized under the laws of the state of New Jersey as Assignee, and its successors, assigns and legal representatives, the entire right, title and interest owned by the undersigned, for all countries in and to certain inventions relating to

Enhanced System for Construction of Adenovirus Vectors

described in an application for Letters Patent of the United States, identified as Attorney Docket No. ADVEC-101A, at Van Dyke & Associates, P.A., 7200 Lake Ellenor Drive, Suite 252, Orlando, FL 32809 and filed on 10/8/1999, as Application Serial No. 09/415,899 and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefor in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. We request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as

amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

IN WITNESS WHEREOF, we have hereunto signed our names on the day and year set forth below.

Frank L. Graham Nov. 11, 2002  
Inventor's Signature DATE

Frank L. Graham  
Inventor's Printed Name

On this 11<sup>th</sup> day of November, 2002, before me personally came the above named Frank L. Graham who is personally known by me or proved to me on the basis of satisfactory evidence to be the same individual who executed the foregoing assignment, and who acknowledged to me that he/she executed the same of his/her own free will for the use and purposes therein set forth.

[Signature]  
NOTARY PUBLIC

My Commission Expires: unlimited

Hamilton, Ontario  
City/Province

CANADA  
Country

Robin Parks  
Inventor's Signature

Dec 9/2002  
DATE

Robin Parks  
Inventor's Printed Name

On this 9<sup>th</sup> day of December, 2002, before me personally came the above named Robin Parks who is personally known by me or proved to me on the basis of satisfactory evidence to be the same individual who executed the foregoing assignment, and who acknowledged to me that he/she executed the same of his/her own free will for the use and purposes therein set forth.

[Signature]  
Notary Public for the City of  
Ottawa, for the Ottawa Hospital  
M. St. Jean, Notary Public, OCTOBER 6, 2005  
Ottawa, Ontario  
City/Province  
Canada  
Country

*Philip Ng*  
Inventor's Signature

Dec 5/02  
DATE

Philip Ng  
Inventor's Printed Name

On this 5 day of December, 2002, before me personally came the above named Philip Ng who is personally known by me or proved to me on the basis of satisfactory evidence to be the same individual who executed the foregoing assignment, and who acknowledged to me that he/she executed the same of his/her own free will for the use and purposes therein set forth.

*Sherry Weaver*  
NOTARY PUBLIC  
My Commission Expires: 7/26/05

Houston, Texas  
City/Province

USA  
Country

